



Pedro Colón

STATE REPRESENTATIVE

Testimony in Support of Assembly Bill 468 Assembly Committee on Judiciary and Ethics

Thursday, January 31, 2008

10:00 a.m.

412 East

State Capitol

**By
Representative Pedro Colón**

Good morning Chairman Suder and Committee Members. Thank you for allowing me to speak in support of Assembly Bill 468 (AB 468) relating to the topic of notaries public. This bill aims to stop the false advertisement of notaries public who seek to provide services they cannot lawfully supply.

The importance of useful and lawful notaries public encompasses a number of different areas. Not only is it the corner stone of a successful court system but it also provides consumer protection to our citizens.

The only way to relay the importance of notary publics and the seriousness of this issue in relations to the public consumers is to explain the history of notaries public. In the Roman era when people could not write, certain literate and trustworthy citizens were hired to write out important documents such as contracts and wills. This function became known as "Notarius."

When the Roman Empire expanded so did the Notary. The use of notaries expanded through to the Colonial age when merchants on both sides of the Atlantic depended on Notaries as honest third parties.

The common presumption among many is that notary publics are not needed in modern society. It is not the case. Society is more complex than ever, as business, and legal transactions increase. Notaries are needed to ensure the integrity of the transactions. Notaries public serve as the first line of defense against fraud. Without notaries our courts would become overwhelmed with documents that were signed illegally in addition to the already overworked court system.

The changes I propose in AB 468 are the first step to reform. It is important to stop the consumer flow towards fraudulent service and increase the punishment to deter people from taking part in these unethical practices.

8th Assembly District

Although this bill would serve to protect all consumers it has the largest impact on the Latino community and often immigrant populations. The Latino population has doubled in the state of Wisconsin over the past ten year and has become the largest minority population in the nation.

This increase in population has invited fraud perpetrated on unsuspecting consumers. Many people who are victimized by the fraudulent services of so-called "notarios" are immigrants seeking help to legalize their residency. Notaries public who take advantage of cultural differences are exploiting people for their own benefit. Their practices are morally and legally questionable.

Words often used to falsely represent the service include, "notario," "notarizaciones," "notarizamos," or "notario publico." The use of these words often confuses Spanish-speaking residents due to the meaning. In many Latino countries, for example, a "notario" or notary public takes on a different meaning. It is translated to mean attorney. In the United States, as stated in the introduction of the bill a notary public does not have to be an attorney. One only has to fulfill only a few minor qualifications. This bill would provide legal protection to consumers and stop practices of deception, fraudulent services and false advertisement.

Under AB 468, a notary public that is not an attorney cannot:

- State or imply that he or she is licensed to practice law;
- Solicit or accept compensation to prepare documents, represent in a judicial or administrative proceeding in issues relating to immigration to the United States or U.S. citizenship;
- Solicit or accept compensation to obtain relief of any kind on behalf of another person from any officer, agent, or employee of this state, a political subdivision of this state, or the United States;
- Use the phrases "notario," "notarizaciones," "notarizamos," or "notario publico," in any form of advertisement; and
- If the above words are used then it should be posted in the same type size and capital letters "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN WISCONSIN, AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."

Failure to meet the above requirements would result in a fine of no more than \$10,000 or imprisoned for not more than 9 months or both. A second offense would conclude in a Class H felony.

It is the wish of my constituents and me to see this bill made into law as I hope it is yours as well. Thank you again for allowing me to speak in support of AB 468 today.

Statement in opposition to AB569 and in support of AB468:

The following organizations and individuals are here to make a public statement in **opposition** to AB569. This so called "Sanctuary City" bill seeks to eliminate and prohibit local policies that separate local and state law enforcement and other public employees from carrying out the role of immigration enforcement.

We, the undersigned organizations are opposed to AB569 because it promotes the politics of hatred and division, threatens our civil liberties including freedom of speech, and puts the safety of our communities at risk. In light of the current state deficit, it is also fiscally irresponsible to promote legislation that is clearly unconstitutional and would face immediate and costly legal battles. Rather than offering solutions to real problems, this bill is another example of demonizing immigrants at the expense of us all.

We are here to say: No More Hate. In this election year, we demand an end to the politics of hatred and division against immigrants, low wage workers, and people of color that seek to distract us from the real issues facing our communities. We demand that our elected officials work to offer solutions to the real problems facing all families in our state: access to affordable health care, education, and family supporting jobs.

We need real solutions to our broken immigration system at the federal level, including a path to citizenship for undocumented immigrants, family unity, worker protections, and strengthened human rights and civil liberties for all Americans.

The following organizations and individuals are also here to voice our **support** for AB468, the Notary Bill, which would protect the public from public notaries that mislead people into paying them to provide certain legal services that they are not qualified or licensed to provide.

Sincerely,

Voces de la Frontera, Milwaukee
Voces de la Frontera, Racine
Latino Peace Officers Association
Latinos United for Change and Advancement
Groundwork, Madison
Freedom, Inc., Madison
Worker Rights Center, Madison
Interfaith Coalition for Worker Justice
Family Farm Defenders, WI
Wisconsin Network for Peace and Justice
Latina/o Law Student Association of the
University of Wisconsin Law School

Sister Amalie Milot
Sister Anne J. Van Lanen
Sister Collean Walsh, Sisters of St. Agnes
Sister Mary Noel Brown, CSA, Fond du Lac
Sister Deborah Walter, CSA
Sister Stella Storch, OP
Rev. Don Timmerman, Park Falls
Roberta Thurstin, Park Falls
Judy James, WI
Craig Wehrle, WI
Steve Herro, De Pere
Thomas Dipies, Oconomowoc